

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
IN THE AUSTIN DIVISION**

**JOEY RAMOS,
an individual,**

PLAINTIFF,

v.

**IMAN BUSINESS INC,
a limited liability company,**

DEFENDANT.

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*** Case No. 1:22-CV-00286-RP**

PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

The undersigned counsel, on behalf of Plaintiff, Joey Ramos, moves this Court for entry of a default judgment against Defendant, IMAN Business Inc., a limited liability company, ("DEFENDANT"), upon the complaint heretofore filed and served upon the Defendant, in accordance with the provisions of Rule 55(a) and Rule 55(b)(2) of the Federal Rules of Civil Procedure, and in support thereof shows the Court the following:

1. On March 27, 2022, the Plaintiff filed in the United States District Court, Western District of Texas, Austin Division, a Complaint in the above cause alleging certain violations of the Americans with Disabilities Act. (ECF Document 4)

2. On April 11, 2022, the Court issued a Summons for defendant. (ECF Document 5)
3. October 11, 2022, the Court granted Plaintiff's Motion to Substitute Service of Process. (ECF Document 11)
4. On July 18, 2022, a copy of said Complaint and said Summons were served upon the Defendant IMAN Business, Inc. by serving its Manage/Authorized Agent, Tenish Sandriwala, at 5210 Manor Road, Austin, Texas 78723. (ECD Document 8)
5. Defendants have failed to answer, plead or otherwise defend this action by the deadline of August 8, 2022.
6. On December 31, 2022, the Clerk of Court has entered the default of the defendant, IMAN Business Inc., a limited liability company. (ECF Document 14)
7. Pursuant to the provisions of Rule 55(a) and Rule 55(b)(2) of the Federal Rules of Civil Procedure, this Court is empowered to enter a default judgment against the Defendant for relief sought by the Plaintiff in its Complaint, and written notice of this action has been given to the Defendant as set forth in the attached affidavit.

WHEREFORE, Plaintiff prays that this Court enter a judgment of default against the Defendant, and that the Defendant be ordered to fully remedy all barriers to entry

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to the Service List via United States Postal Service First Class mail and by United States Postal Service Certified mail (tracking: See below) on the 4th of May, 2023.

/s/ K. Michael Sturgill

SERVICE LIST:

IMAN BUSINESS INC
C/O SAMEER UMATIYA
6280 MCNEIL DRIVE, APT 413
AUSTIN, TX 78729

Tracking:
7022 2410 0003 0623 2035

C/O
TENISH SANDRIWALA
5210 MANOR ROAD
AUSTIN, TEXAS 78723

Tracking:
7022 2410 0003 0623 2066

Registered Agent for IMAN BUSINESS INC

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
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**JOEY RAMOS,
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PLAINTIFF,

v.

**IMAN BUSINESS INC,
a domestic corporation,**

DEFENDANT.

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Case No. 1:22-CV-00286-RP

**AFFIDAVIT IN SUPPORT OF
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

Before me, the undersigned notary, on this day, personally appeared K. Michael Sturgill, the affiant, a person whose identity is known to me. After I administered an oath to affiant, affiant testified:

1. "My name is K. Michael Sturgill. I am over 18 years of age, of sound mind, and capable of making this affidavit. I am the attorney of record for the plaintiff in the above cause and the facts stated in this affidavit are within my personal knowledge.

2. On March 27, 2022, the Plaintiff filed in the United States District Court, Western District of Texas, Austin Division, a Complaint in the above cause alleging certain violations of the Americans with Disabilities Act.
3. On April 11, 2022, the Plaintiff refiled the Complaint in the above cause.
4. On April 11, 2022, the Court issued a Summons for defendant.
5. On July 18, 2022, a copy of said Complaint and said Summons were served upon the Defendant IMAN Business, Inc. by serving its Manage/Authorized Agent, Tenish Sandriwala, at 5210 Manor Road, Austin, Texas 78723.
6. No further extension has been granted and all extensions given have expired.
7. Defendants have failed to answer, plead or otherwise defend this action by the deadline of August 8, 2022, and the Plaintiff is entitled to judgment by default against the Defendants.
8. On December 31, 2022, the Clerk of Court has entered the default of the defendant, IMAN BUSINESS INC., a domestic corporation. (ECF Document 14)
9. The defendant is not an infant, nor an incompetent person.
10. The defendant is not in the active military service of the United States of America or its officers or agents or was not six months prior to the filing of the case."



{Signature of affiant}

VERIFICATION

STATE OF TEXAS §

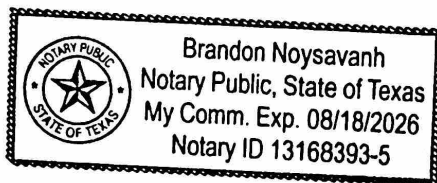
COUNTY OF TARRANT §

Before me, the undersigned notary, on May 3, 2023, personally appeared K. Michael Sturgill, a person whose identity is known to me. After I administered an oath to him, upon his oath, he stated that he read the "Affidavit in Support of Plaintiff's Motion for Default Judgment" and that the facts contained in it are within his personal knowledge and are true and correct.

K. Michael Sturgill
{Signature of affiant}

Brandon Noysavanh
(Signature of notarial officer)

5/3/2023
(date)



CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to the Service List via United States Postal Service First Class mail and by United States Postal Service Certified mail (tracking: _____) on the 4th of May, 2023.

/s/ K. Michael Sturgill

SERVICE LIST:

IMAN BUSINESS INC
C/O SAMEER UMATIYA
6280 MCNEIL DRIVE, APT 413
AUSTIN, TX 78729

TENISH SANDRIWALA
5210 MANOR ROAD
AUSTIN, TEXAS 78723

Registered Agent for IMAN BUSINESS INC

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* **Case No. 1:22-CV-00286-RP**

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**PROPOSED ORDER ON
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

Pursuant to the provisions of Rule 55(b)(2), Federal Rules of Civil Procedure, judgment is hereby entered in favor of Plaintiff and this Court hereby,

ORDERS, ADJUDGES and DECREES that Defendant shall fully remedy all barriers to entry defined by the ADA that are present at the property that is the subject of this litigation as alleged in the Plaintiff's Complaint; it is, further,

ORDERS, ADJUDGES and DECREES that Defendant shall pay Plaintiff's attorneys' fees and litigation costs necessary and reasonably incurred by the prosecution of this cause of action, to be determined by this Court on subsequent hearing or after reviewing a sworn affidavit submitted by Plaintiff's attorney.

SIGNED on _____, 2023.

UNITED STATES DISTRICT JUDGE

UNITED STATES MAGISTRATE JUDGE

as defined by the ADA that are present at the property that is the subject of this litigation as alleged in his Complaint. Further, Plaintiff prays for an award of attorney's fees consistent with the provisions of the ADA to be determined by subsequent affidavit and/or hearing.

This 4th day of May, 2023.

Respectfully submitted,

By: /s/ K. Michael Sturgill

K. MICHAEL STURGILL
State Bar No. 24075588
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San Antonio, TX 78213
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COUNSEL FOR PLAINTIFF